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8 Attorney for Plaintiff WELLIVING
9 CORPORATION, a California corporation
10 dba MVP INTERACTIVE

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 WELLIVING CORPORATION, a
14 California corporation dba MVP
15 INTERACTIVE SPORTS,

16 Plaintiff,

17 vs.

18 BUDDY CARDIEL, an individual, LISA
19 WILEY, an individual, POWEREDGE
20 BASEBALL, and DOES 1-10

21 Defendants.

Case No: CV 09-5101 MEJ


The Honorable Maria-Elena James

**REQUEST FOR DISMISSAL AS TO
DEFENDANT POWEREDGE
BASEBALL WITHOUT PREJUDICE
and ~~PROPOSED~~ ORDER**

22 IT IS HEREBY REQUESTED by Plaintiff to this action, WELLIVING
23 CORPORATION, a California corporation dba MVP INTERACTIVE SPORTS, through their
24 counsel of record that the above-captioned action be and hereby is dismissed without prejudice
25 as to Defendant POWEREDGE BASEBALL only, pursuant to Rule 41(a)(1)(A)(ii) of the
26 Federal Rules of Civil Procedure. Each party to waive its rights to appeal and bear its own costs
27 and attorney's fees.

28 Date: February 25, 2010

Plaintiff's Counsel


Signature

Plaintiff's Counsel

Ray K. Shahani, Esq.

Printed Name

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1 IT IS HEREBY ORDERED THAT the above-captioned action be and hereby is
2 dismissed as to Defendant PowerEdge Baseball only without prejudice pursuant to Rule
3 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. The parties will bear their own
4 attorney's fees and costs of suit.

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6 Date: February 26, 2010

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9 Honorable Maria Elena James
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